

### **Remarks**

Claims 1-7, 9-12, 23, 24, 26-30 and 34-36 are pending in the application. Claims 23, 24, 26-30 and 35 were objected to and claims 1-7, 9-12, 34 and 36 were rejected. By this Amendment, claims 1, 24 and 36 have been amended. Reconsideration of the claims is respectfully requested. No new matter has been added.

### **Rejection Under 35 U.S.C. § 102**

Claims 1-5, 9-12, 34 and 36 were rejected under §102(b) as being anticipated by U.S. Patent No. 6,082,817 to Müller (hereinafter "Müller '817"). Müller '817 discloses a vehicle seat having an adjustable headrest (column 1, lines 3-7). The headrest body is linked to a suspension "which is formed by four swivelling levers" (column 2, lines 49-51). One end of each swiveling lever is connected to a frame that is "fixedly connected with rod-shaped anchoring supports" that are "anchored on the backrest of the vehicle seat" (column 2, lines 54-58). The other end of each swiveling lever is connected to the headrest body (column 2, lines 62-63 and Figure 1). As such, the swiveling levers are attached to the headrest at only one end. When the suspension is articulated, the entire headrest is "brought from a normal operating position ... into a protective position" (column 2, lines 41-42). The protective position is "forward inclined" to prevent the head of a vehicle occupant from moving upward and rearward over the upper head of the headrest (column 2, lines 45-47).

Claims 1 and 36 have been amended to more distinctly claim the present invention. Specifically, claims 1 and 36 have been amended to recite a spreading-lever device connected to the front part of the head restraint at a first end and to the rear part of the head restraint at a second end. In addition, claims 1 and 36 has been amended to recite a head restraint having a horizontal rotational axis that pivotally connects the front and rear parts. Müller '817 does not disclose a spreading-lever device connected to the front and rear parts of the head restraint or a head restraint having a horizontal rotational axis. Consequently, Applicants believe this rejection has been overcome.

**Rejection Under 35 U.S.C. § 103**

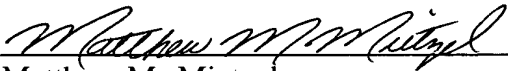
Claims 6-7 were rejected under § 103(a) as being unpatentable over Müller '817 in view of itself. Specifically, the Examiner stated that although Müller '817 did not disclose the use of an electric motor as a driving device, it would have been obvious to modify the drive device of Müller '817 with an electric motor. Claims 6-7 depend on amended claim 1. As a result, the rejection of claims 6-7 is believed to be moot for the reasons previously discussed.

**Conclusion**

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

**Heiko Malsch**

By   
Matthew M. Mietzel  
Reg. No. 46,929  
Attorney/Agent for Applicant

Date: October 8, 2003

**BROOKS & KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351